

# Laws and Executive Orders

Administrative Procedure Act - This act requires agencies to keep the public currently informed of their organization, procedures, and rules; to provide public participation in the rulemaking process; to prescribe uniform standards for the conduct of formal rulemaking and adjudicatory proceedings (i.e., proceedings required by statute to be made on the record after opportunity for an agency hearing); and to restate the law of judicial review.

Atlantic Coastal Fisheries Cooperative Management Act - This Act provides authority for cooperative interstate and Federal programs to support the Atlantic States Marine Fisheries Commission (Commission) interstate fisheries management plans (plans). Federal and state activities are carried out to maintain a conservation and management program for all species included in the Commission's plans.

Atlantic Striped Bass Conservation Act - This Act provides authority for cooperative interstate and Federal programs to support the Atlantic States Marine Fisheries Commission management of striped bass. Federal and state activities are carried out to maintain a conservation and management program for the Atlantic coast striped bass resource.

Atlantic Tunas Convention Act - Atlantic Tunas Convention Act -- governs U.S. participation on the International Commission for the Conservation of Atlantic Tunas and establishes provisions for domestic fishery and trade regulations to implement the conservation programs of the Commission.

Coastal Zone Management Act - This act is to encourage and assist states in developing coastal management programs, to coordinate state activities, and to safeguard regional and national interests in the coastal zone.

Executive Order 12866 - a program to reform and make more efficient the regulatory process. The objectives of this Executive order are to enhance planning and coordination with respect to both new and existing regulations; to reaffirm the primacy of Federal agencies in the regulatory decision-making process; to restore the integrity and legitimacy of regulatory review and oversight; and to make the process more accessible and open to the public.

Executive Order 12630 - The E.O. on Government Actions and Interference with Constitutionally Protected Rights, which became effective March 18, 1988, requires that each Federal agency prepare a Takings Implication Assessment for any of its administrative, regulatory, and legislative policies and actions that affect, or may affect, the use of any real or personal property.

Executive Order 13132 - Federalism - This E.O. establishes nine fundamental federalism principles to which Executive agencies must adhere in formulating and implementing policies having federalism implications.

Executive Order 13272 - Proper Consideration of Small Entities in Agency Rulemaking.

Executive Order 13175 – Consultation and Coordination with Indian Tribal Governments. All departments and agencies are required to establish regular and meaningful consultation and collaboration with tribal officials in the development of policies (rules, regulations, etc.) that have tribal implications, strengthen government-to-government relationships, and reduce imposition of unfunded mandates.

Executive Order 13186- Each Federal agency taking actions that have, or are likely to have, a measurable negative effect on migratory bird populations is directed to develop and implement, within 2 years, a Memorandum of Understanding (MOU) with the Fish and Wildlife Service (Service) that shall promote the conservation of migratory bird populations.

Executive Order 13089- All Federal agencies whose actions may affect U.S. coral reef ecosystems shall: (a) identify their actions that may affect U.S. coral reef ecosystems; (b) utilize their programs and authorities to protect and enhance the conditions of such ecosystems; and (c) to the extent permitted by law, ensure that any actions they authorize, fund, or carry out will not degrade the conditions of such ecosystems.

Endangered Species Act - various species of fish, wildlife, and plants in the United States have been rendered extinct as a consequence of economic growth and development untempered by adequate concern and conservation.

Federal Advisory Committee Act -This act regulates the formation and operation of advisory committees by Federal agencies in the Executive Branch.

Federal Register Act - This act established a uniform system of handling agency regulations by requiring filing of documents with the Office of the Federal Register, placement of documents on public inspection, publication of documents in the *Federal Register*, and after a 1937 amendment, permanent codification (numerical arrangement) of rules in the Code of Federal Regulations.

Freedom of Information Act - The original Freedom of Information Act (5 USC 552) allowed the public to obtain government information, as long as the information is not protected by one of the nine specific FOIA exemptions, in the public domain, or on an established NOAA price list/available for sale. The FOIA

allowed 10 business days, excluding weekends and holidays, to respond to the public.

**Government Paperwork Elimination Act (GPEA)** - This act requires that agencies allow electronic interactions, as an option, for all transactions and that this capability be in place by October 2003. It also requires the acceptance of electronic signatures for transactions conducted with 50,000 or more "customers." Further, agencies are required to submit a Plan to OMB by October 31, 2000, on how they will achieve these goals.

**Government in the Sunshine Act** - This act requires that meetings of each Federal agency headed by a collegial body, a majority of whose members are appointed by the President with the advice and consent of the Senate, shall be open to public observation.

**Lacey Act** - Under this law, it is unlawful to import, export, sell, acquire, or purchase fish, wildlife or plants taken, possessed, transported, or sold: 1) in violation of U.S. or Indian law, or 2) in interstate or foreign commerce involving any fish, wildlife, or plants taken possessed or sold in violation of State or foreign law.

**Magnuson-Stevens Fishery Management and Conservation Act** - To provide for the conservation and management of the fisheries, and for other purposes.

**Marine Mammal Protection Act** - ensures that marine mammals are maintained at, or in some cases restored to, healthy population levels.

**National Environmental Policy Act** - This act requires Federal agencies to take into account the environmental impact of their regulations in an open and public process.

**Negotiated Rulemaking Act** - This establishes a statutory framework for agency use of negotiated rulemaking, which is basically an alternative to traditional procedures for drafting proposed regulations. The essence of the idea is that in certain situations it is possible to bring together representatives of the agencies and the various affected interest groups to negotiate the text of a proposed rule.

**Paperwork Reduction Act** - The Paperwork Reduction Act (PRA) of 1995 requires that agencies obtain Office of Management and Budget approval before requesting most types of information from the public.

**Regulatory Flexibility Act** - During the months of October and April of each year, each agency shall publish in the Federal Register a regulatory flexibility agenda which shall contain-- (1) a brief description of the subject area of any rule which the agency expects to propose or promulgate which is likely to have a

significant economic impact on a substantial number of small entities; (2) a summary of the nature of any such rule under consideration for each subject area listed in the agenda pursuant to paragraph (1), the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking. (3) the name and telephone number of an agency official knowledgeable concerning the items listed in paragraph.

Sustainable Fisheries Act - The SFA amended the Magnuson-Stevens Fishery Conservation and Management Act. SFA amendments and changes to the Magnuson Act include numerous provisions requiring science, management and conservation action by the National Marine Fisheries Service (NMFS)